

92
Image



1651
B

PATENT

ATTORNEY DOCKET NO.: BAL-99A (16843A)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re. Application:	Marshall, et al.)	Art Unit:	1651
)		
Serial No:	09/977,555)	Examiner:	Gitomer, Ralph J.
)		
Filed:	October 15, 2001)	Acct. No:	04-1403
)		
Title:	Method For Detection Of Urease And)	Customer No:	22827
	Method For Using Same)		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

LETTER

Dear Sirs:

A Notice of Allowance issued on October 7, 2003 for the above captioned application. Instead of paying the issue fee, however, Applicants filed a Request for Continued Examination in conjunction with the submission of an Information Disclosure Statement. The Information Disclosure Statement filed with the Request for Continued Examination listed references previously submitted in Information Disclosure Statements that had not yet been considered by the Examiner. Those Information Disclosure Statements include the statement filed on October 7, 2003 (and later submitted on November 5, 2003) and the statement submitted on November 25, 2003.


A third Information Disclosure Statement was submitted on April 28, 2003 and was also apparently not considered. Consequently, Applicants are submitting herewith a new Information Disclosure Statement containing the same references disclosed in the statement submitted on April 28, 2003.

Applicants wish to thank Examiner Gitomer for his guidance recently with respect to these issues. It is believed that the claims as currently pending patentably define over the references that Applicants have submitted.

In summary, it is believed that the present application is in complete condition for allowance and a further Notice of Allowance is requested.

Respectfully submitted,

DORITY & MANNING, P.A.


Timothy A. Cassidy
Registration No. 38,024

DORITY & MANNING, P.A.

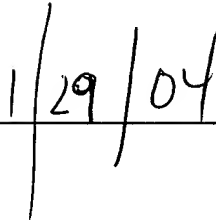
P. O. Box 1449

Greenville, SC 29602-1449

Phone: (864) 271-1592

Facsimile: (864) 233-7342

Date:





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DM-10/03

INFORMATION DISCLOSURE STATEMENT

In re Application of: Barry j. Marshall, et al.

Attorney Docket No: BAL-99A 16843A)

Serial No: 09/977,555

Date: January 29, 2004

Filed: October 15, 2001

Art Unit: 3736

Confirmation No: 1969

Our Customer ID: 22827

Title: Method for the Detection of Urease and Method for Using
Same

Our Account No: 04-1403

Commissioner for Patents
U.S. Patent and Trademark Office
Post Office Box 1450
Alexandria, VA 22313-1450

Sir:

The following is an Information Disclosure Statement for the captioned patent application, pursuant to 37 CFR Sections 1.56, 1.97, and 1.98.

1. ☒ Attached hereto is:

a. ☒ A list of materials for consideration per Rule 98(a)(1): 1 page(s)

b. ☒ A legible copy of each patent, publication, or other item listed per Rule 98(1)(2), unless not required per Rule 98 and/or as indicated on the attached list(s):
3 item(s)

c. ☐ For each non-English language item listed, pursuant to Rule 98(a)(3), a concise explanation of the relevance thereof as it is presently understood by the individual designated in Rule 56(c) most knowledgeable about the content of such items: _____

☐ Such explanation is provided in the Search Report from a corresponding application enclosed herewith along with any enclosed translation into English.

2. ☒ This Information Disclosure Statement is being filed [CHECK ONE]:

a. ☒ WITHIN THREE MONTHS of the application filing date, national stage date of entry, or along with or after a request for continued examination, OR BEFORE the mailing date of a first Office Action on the merits, which ever event occurs last, WHEREFORE per Rule 97(b) NO filing fee or Rule 97(e) certificate is required.

b. ☐ AFTER the time periods of section 2.a above, but BEFORE a Final Action, Notice of Allowance OR an action that otherwise closes prosecution, WHEREFORE PER Rule 97(c) submitted herewith is [CHECK ONE]:

i. ☐ Certification per Rule 97(e); OR

ii. ☐ Filing Fee per Rule 17(p)\$180.00

c. ☐ AFTER a Final Action OR Notice of Allowance, but BEFORE payment of the issue fee, WHEREFORE per Rule 97(d) submitted herewith is:

i. ☐ Certification per Rule 97(e); AND

ii. ☐ Filing fee per Rule 17(p)\$180.00

3. ☐ Rule 97(e) Certification; per Rule 97(e), the undersigned certifying party make the following certification statement [CHECK ONE]:

a. ☐ That each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement; OR

b. ☐ That no item of information contained in this Information Disclosure Statement was cited in a foreign patent office in a counterpart foreign application and to the knowledge of the undersigned after making a reasonable inquiry, was known to any individual designated in Rule 56(c) more than three months prior to the filing of this statement.

CERTIFYING PARTY (if different from bottom signature; omission here indicates that certification is being made by signer per signature below).

Name: _____

Signature: _____

Address: _____

Date: _____

- 4.[x] DEPOSIT ACCOUNT AUTHORIZATION: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any fees in addition to the fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (deficiency only) now or hereafter relative to this application and the resulting official document under Rule 20, or credit any overpayment, to our Account No. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This statement does not authorize charge of the issue fee in this case.

- 5.[x] CERTIFICATE OF MAILING: This Information Disclosure Statement is being filed pursuant to [CHECK AND COMPLETE ONE]:

a.[X] First Class Mail Certificate of Mailing under Rule 8:

I hereby certify that this correspondence and any referenced attachment and/or fee are being deposited with the United States Postal Service as first class mail in an envelope addressed to the:

Commissioner for Patents
U.S. Patent and Trademark Office
Post Office Box 1450
Alexandria, VA 22313-1450

on January 29, 2004.

Pamela Knorr

(Typed/printed name of person mailing paper or fee)

Pamela Knorr

(Signature of person mailing paper or fee)

b.[] "Express Mail" Certificate under Rule 10:

"Express Mail" – Label No. _____

Date of Deposit _____

I hereby certify that this paper and all attachments and any fee are being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the:

Commissioner for Patents
U.S. Patent and Trademark Office
Post Office Box 1450
Alexandria, VA 22313-1450.

(Typed/printed name of person mailing paper or fee)

(Signature of person mailing paper or fee)

ADDRESS:

Post Office Box 1449
Greenville, South Carolina 29602
Telephone: 864-271-1592
Facsimile: 864-233-7342

DORITY & MANNING, P.A.

By: Timothy A. Cassidy

Reg. No: 38,024

Signature: [Signature]

Date: January 29, 2004



(Rev. 5/92) Information Disclosure Statement List By Applicant(s) Under 37 CFR Section 1.98(a) (1) (Use several sheets if necessary)	Attorney Docket Number: BAL-99A (16843A)	Serial Number: 09/977,555
	Applicant: Barry J. Marshall, et al.	
	Filing Date: October 15, 2001 Confirmation No: 1969	Group Art Unit: 3736

NOTE: If no indication is made in the column marked "COPY NOTE," the required legible copy of the corresponding item is submitted herewith; otherwise, a copy is not required and/or not submitted, for the following reason(s) [corresponding reason number is listed in "COPY NOTE" column]"

- (1) This item is cumulative, per Rule 98(c)
- (2) A copy of this item was previously cited by or submitted to the U.S. Patent and Trademark Office in:
 USSN _____, filed _____, or
 USSN _____, filed _____;
 Relied on under 35 U.S.C. Section 120, per Rule 98(d)
- (3) Both reasons (1) and (2) apply
- (4) No legible complete copy is possessed, in custody of controlled, or readily available
- (5) Per the U.S. Patent and Trademark Office's waiver of Rule 98(a)(2)(i), the item is a U.S. patent or patent application publication, and the present application was filed after June 30, 2003.

U.S. PATENT DOCUMENTS										
EXAMINER INITIALS	PATENTEE NAME	PATENT NUMBER								ISSUE DATE
	Smith, et al.	4	8	2	9	0	0	6		05/09/1989
	Richardson	5	8	4	6	4	8	8		12/08/1998

FOREIGN PATENT DOCUMENTS										
EXAMINER INITIALS	COUNTRY	DOCUMENT NUMBER								PUBLICATION DATE
	WO	0	1	6	4	5	4	3	A1	09/07/2001

*"NO" means that no copy of an English language translation is within the possession, custody, or control of, or is readily available to any individual designated in Rule 56(c).

EXAMINER INITIALS	OTHER DOCUMENTS	COPY NOTE
	Specify author (if any), Title, Pertinent Pages, Date & Place of Publication	
EXAMINER	DATE CONSIDERED	
Examiner: initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.		